

Notice of Allowability**Application No.**

09/741,048

Applicant(s)

YAMAGUCHI, YOSHIHIRO

Examiner

Nelson D. Hernández Hernández

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AF amendment filed on 1/16/2009.
2. ☒ The allowed claim(s) is/are 25, 28, 32-34, 50 and 55 (Renumbered as 1-7).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20090204.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed on January 16, 2009.

Claim 25 has been amended. **Claims 1-24, 26, 27, 29-31, 35-49, 51-54, 56, and 57** have been cancelled.

2. The Examiner noted that the **claims 58 and 59** are not present in the claims filed on January 16, 2009. **Claims 58 and 59** were presented as canceled in the previous set of claims filed on September 24, 2008. In a telephone conversation with Raymond Cardillo (Reg. No. 40440), the Examiner informed about the missing claims 58 and 59 that were canceled in the previous set of claims. The Attorney on record acknowledged that **claims 58 and 59** should appear as canceled in the present set of claims. Therefore, **claims 58 and 59** are noted as canceled.

Response to Arguments

3. Applicant's arguments, see page 8, line 10 – page 9, line 4, filed January 16, 2009, with respect to the rejection of claim 25 under 35 USC 103 have been fully considered and are persuasive. The rejection of claim 25 has been withdrawn.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Cardillo (Reg. No. 40440) on February 4, 2009.

The application has been amended as follows:

Claim 25. (Currently Amended) An image processing method, comprising:
determining a background area of an image;
determining a person area of the image as an area of the image other than the background area of the image; and
sizing the image based on a size of the person area of the image such that the size of the person area is a predetermined person area size,
wherein the step of determining the background area of the image comprises:
separating the image into a plurality of areas by an area separating device; and
wherein the step of separating the image into the plurality of areas comprises:
comparing properties of adjoining pixels of the image; and
determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared, and

determining whether or not the each area of the plurality of areas belongs in the background area based on a comparison of the each area with a reference background area, wherein the reference background area includes at least one corner of the image, and

wherein the step of determining whether or not the each area of the plurality of areas belongs in the background area based on the comparison of the each area with the reference background area includes determining that the each area belongs in the background area if

a difference between an average luminance value of the pixels of the each area and an average luminance value of the reference background area is within a predetermined luminance difference threshold and a difference between an average chromaticity value of the pixels of the each area and an average chromaticity value of the reference background area is within a predetermined chromaticity difference threshold, or

a difference between an average red (R) value of the pixels of the each area and an average R value of the reference background area is within a predetermined R difference threshold, a difference between an average green (G) value of the pixels of the each area and an average G value of the reference background area is within a predetermined G difference threshold and a difference between an average blue (B) value of the pixels of the each area and an average B value of the reference background area is within a predetermined B difference threshold.

Allowable Subject Matter

5. **Claims 25, 28, 32-34, 50, and 55 (Renumbered as 1-7)** are allowed.
6. The following is an examiner's statement of reasons for allowance:

Regarding claim 25 (Renumbered as 1), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of the present claim, determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared, and determining whether or not the each area of the plurality of areas belongs in the background area based on a comparison of the each area with a reference background area, wherein the reference background area includes at least one corner of the image.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández Hernández whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández Hernández
Examiner
Art Unit 2622

NDHH
February 4, 2009

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622